IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2857 OF 2006

Sarva Shramik Sangh ..Petitioner.
Vs.
M/s. Schrader Duncan Limited & anr. ..Respondents.

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Mr. Bhavesh Parmar for the Petitioner.
Mr. J.P. Cama, Senior Advocate with Mr. Noel Helekar and Ms. Sushma Joshi for Respondent No.1.

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CORAM: DR. D.Y. CHANDRACHUD, J.
29th June, 2006.

P.C. :

1. The Petitioner moved an application for interim relief in a complaint of unfair labour practice, for an order restraining the management from concluding the sale transaction by which a portion of the surplus lands at Mulund admeasuring 11,390 sq. mtrs is proposed to be sold for development. The plan which was produced on the record at Exh. C shows that out of the total holding of 26,367 sq. mtrs., unutilized land admeasuring 11390 sq. mtrs. is to be sold. There are no structures on the land which is to be sold and the existing factory building and other facilities will be maintained in tact. An undertaking has been furnished to this Court by the management, that none of the service conditions shall be altered. The Court has been informed that during the pendency

of these proceedings a settlement has been arrived at between the management and the workmen on the Charter of demands on 13th March, 2006. The order of the Industrial Court declining to grant interim relief does not warrant interference under Article 227, particularly, having regard to the statement and the undertaking which is reiterated before this Court by the management. While dismissing the Petition it is clarified that none of the observations contained in the impugned order which is confined to the disposal of the application for interim relief will come in the way of either the disposal of the complaint on merits or considering any application questioning the maintainability of the complaint.

2. Counsel appearing for the Petitioner has stated that the Petitioner would move an application for disclosure of the MOU before the Industrial Court. It is not necessary for this Court to make any observations on that aspect of the matter since as and when an application will be filed, that shall be considered in accordance with law having regard to the objections, if any, of the management. The Petition is dismissed.